

PATENT Customer No. 22,852 Attorney Docket No. 07883.0036-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Marvin GUILES et al.) Group Art Unit: 3751
Application No.: 10/617,176) Examiner: J. CASIMER JACYNA
Filed: July 11, 2003)
For: LEFT VENTRICULAR CONDUITS AND METHODS FOR DELIVERY) Confirmation No.: 3040)
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
Sir:	

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated December 1, 2004, the Examiner required restriction under 35 U.S.C. § 121 to one of the following allegedly distinct inventions:

Group I - Claims 9-13, 18-39 and 49-51;

Group II - Claims 1-8, 47, 48 and 64-67;

Group III - Claims 68 and 69;

Group VI - Claims 14-17, 40-46 and 52-63; and

Group V - Claims 70-85.

From a review of the U.S. Patent and Trademark Office PAIR website, it appears that the Supplemental Preliminary Amendment filed on November 24, 2004, which added claims 86-90, was not entered into the application when the restriction requirement was issued. Further, it appears that claims 1-14, 18-46, and 49-51 were

not cancelled as set forth in the application Transmittal filed with this application on July

11, 2003. Accordingly, Applicants respectfully request the entry of the amendments set

forth in the Supplemental Preliminary Amendment filed on November 24, 2004 and the

application Transmittal filed with this application on July 11, 2003. Applicants attach

hereto a "Current Listing of Claims" representing the currently pending claims after entry

of the Supplemental Preliminary Amendment and cancellation of claims in the

Transmittal.

Assuming that the above-referenced amendments are entered, canceling claims

1-14, 18-46, and 49-51, and adding claims 86-90, claims 15-17, 47-48, and 52-90 are

now pending in this application. For the Examiner's convenience, a current listing of

claims incorporating all of the aforementioned amendments are attached. Based on the

groups of claims delineated in the restriction requirement, Applicants will work from the

assumption that the grouping of claims would likely be as follows:

Group I - No claims pending:

Group II - Claims 47,48, and 64-67;

Group III - Claims 68 and 69;

Group IV - Claims 15-17 and 52-63;

Group V - Claims 70-85; and

Group VI - Claims 86-90.

From these groups of claims, Applicants provisionally elect to prosecute Group IV,

claims 15-17 and 52-63 allegedly drawn to a device for measuring a depth of insertion,

with traverse.

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Response to Restriction Requirement - December 28, 2004

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

By:

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Dated: December 28, 2004

Michael W. Kim

Reg. No. 51,880

Attachment: Current Listing of Claims